

1648

ATTORNEY DOCKET NO. 01123.0004US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

Rubin et al.)

Serial No.: 09/509,712)

Filed: March 31, 2000)

For: MAMMALIAN GENES INVOLVED IN)
VIRAL INFECTION AND TUMOR)
SUPPRESSION)

Group Art Unit: 1648

Examiner: Foley, S.

Confirmation No. 8103

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TERMINAL DISCLAIMER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

February 20, 2004

Sir:

VANDERBILT UNIVERSITY is assignee and exclusive owner of the entire right, title and interest in and to the above-identified application Serial No. 09/509,712 as shown by the assignment submitted for recordation to the U.S. Patent and Trademark Office on February 17, 2004 (copy attached) and is assignee and exclusive owner of the entire right, title and interest in and to U.S. Patent No. 6,448,000 B1, as shown by the assignment recorded in the patent assignment records of the U.S. Patent and Trademark Office on January 15, 1999 at Reel/Frame 009699/0219.

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VANDERBILT UNIVERSITY hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,448,000 B1 and hereby further agrees that any patent so granted on the above-identified application Serial No. 09/509,712 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,448,000 B1. This agreement shall run with any patent granted on the above-identified application and be binding upon the grantee, its successors or assigns.

In making the above disclaimer, VANDERBILT UNIVERSITY does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I, the undersigned, whose title is given below, am empowered to represent the assignee, VANDERBILT UNIVERSITY. I have reviewed all of the documents and the chain of title of the patent application, Serial No. 09/509,712, identified above and to the best of my knowledge and belief all right, title and interest in the above-identified patent application resides with VANDERBILT UNIVERSITY.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

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Code, and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$55.00 for the fee for a small entity under 37 C.F.R. 1.20(d) is enclosed. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

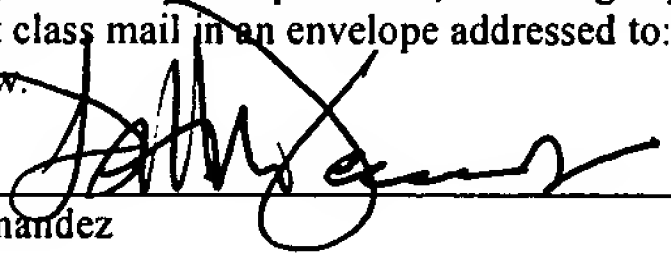
Date: 2/20/04

By: 

Lizette M. Fernandez, Ph.D.
Patent Agent
Needle & Rosenberg, P.C.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Lizette M. Fernandez

Date 2/20/04